

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1248 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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Versus

COMMISSIOENR OF POLICE

Appearance:

NOTICE SERVED for Petitioner

Mr. L.R.Pujari, ASSTT. GOVERNMENT PLEADER for
Respondent No. 1, 2

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 09/12/1999

ORAL JUDGEMENT

List has been revised. None appears on behalf of the petitioner to press this petition. This petition has been filed a writ of prohibition to direct the respondents to restrain them from implementing regulations or other steps and more particularly closing the road from Delhi Darwaja to Indira Bridge or any part of the said road in such an absolute manner and for such

a long number of hours.

2. According to the averments made in the petition, the petitioner was residing with his family at Elite flats, situated just opposite to Circuit Annexe, Shahibaug, Ahmedabad. He came to know that the Hon'ble Prime Minister of India was visiting the city of Ahmedabad in the night of 11-12th March, 1988 or in the morning of the next date. He was to stay at Raj Bhavan Annexe. It was expected that the State and the Police Department will take all necessary steps towards security and protection of the Hon'ble Prime Minister, but that concept has to be inherently subject to the reasonableness and the State or its personnel in any department should not and cannot take such measures and such restrictive procedures or steps which would curtail the liberty of the citizens for a long period of hours. It was also learnt by the petitioner that the police, for the safety of the Prime Minister was to take steps in the large area of the city and roads more or less running from Delhi Darwaja to Indira Bridge, virtually a distance of about 10 kms. is going to be totally banned for general traffic pedestrians as well as vehicular. The petitioner and his family having excess to the main road will also be banned for going to occupational activities for a long number of hours and action of the State and its police department will be unreasonable, unjustified and total restriction on the petitioner's right and liberty of free movement guaranteed under Article 19 as well as Article 14 of the Constitution of India. The examination of 12th standard of Central School Board was going to be held on 12th March, 1988 between 10.30 a.m. to 5.00 p.m. Centres for the examination are situated at the Central School near Police Commissioner's office at Duffnala, both falling on the aforesaid road with relation to which restrictions were apprehended and it would be impossible for all students to appear in their respective examinations at two centres. The petitioner's daughter is also a candidate who has to appear in the 12th standard examination to be held on the next date by the Central School Authorities. As such, the fundamental rights of the petitioner as well as other persons are being infringed. Hence, this petition.

2. It appears that this petition has been filed against unreasonable restrictions to be imposed by the authorities. Except bare statement of the petitioner, there is nothing on record to show that restrictions which were to be imposed by the authorities including police department were unreasonable. I

therefore, do not find any ground to pass any order in respect of the arrangement which was to be made in the year 1988. Moreover, this petition has also become infructuous in view of the fact that this petition has been filed against the action of the State which were to be taken in the year 1988. Accordingly, this petition is dismissed. Rule is discharged with no order as to costs.

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